REMARKS

Claims 1-6, 8-20, 23 and 29-39 are pending in the application.

Claims 1-6, 8-20, 23 and 30-32, 35, 37, 39 have been rejected.

Claims 1, 13, 23, and 30 are amended.

Claims 33, 34, 36 and 38 are objected to.

Appreciation is expressed for the indicated allowability of claim 29. Appreciation is also expressed for the indicated allowability of claims 33, 34, 36, and 38 (if rewritten in independent form including all the limitations of the base claims and any intervening claims).

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication 2001/0030974 issued to Pauwels et al. ("Pauwels") in view of U.S. Patent No. 6,760,328 issued to Ofek ("Ofek"). Applicants respectfully traverse this rejection. Applicants respectfully submit that the proposed combination of Pauwels and Ofek fails to disclose each element of Applicants' claims.

For example, Applicants respectfully submit that the proposed combination fails to disclose, at least, the following feature recited in claim 1: "at any time during transmission of said data stream, interrupting said transmission of said second data stream to resume transmission of said first data stream…." The Office Action admits that Pauwels fails to teach or suggest interrupting a second data stream and cites the following passage of Ofek as purportedly doing so: "wherein the resumption logic, responsive to the completion signal, for resuming the active transmission of the low first priority data packet from the marking where the transfer was interrupted." Ofek 27:15-18 (cited at Office Action, p. 3). Applicants respectfully submit that the above passage fails to disclose interrupting a second data stream to resume transmission of a first data stream. Instead, the cited passage discloses that once the transmission of a high priority data packet is complete, a completion signal is sent and the low priority transmission is

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resumed. Waiting for a transfer to complete is the opposite of interrupting the transfer. In the case of the completed transfer, there is no more data to be transferred, whereas in the case of the interrupted transfer, there is more data to be transferred.

As further support for the assertion that Ofek fails to disclose interrupting a second data stream to resume transmission of a first data stream, Applicants point out the following passage of Ofek: "Deterministic traffic is considered the highest priority level traffic can [sic] is permitted to preempt both probabilistic and "best effort" traffic. Probabilistic traffic is permitted to preempt only "best effort" traffic, and "best effort" traffic is never permitted to preempt any other kind of traffic." Ofek 20:29-32. Thus, Ofek explicitly precludes the possibility of a first stream of traffic (having a first priority, e.g., probablistic) interrupting a second stream of traffic (having a different priority, e.g., best effort,) and then being interrupted by the second stream (e.g., the best effort stream), since Ofek only allows a higher priority stream to interrupt a lower priority stream, and never a lower priority stream to interrupt a higher priority stream. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Claims 1-6, 9-20, 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,497,371 issued to Ellis et al. ("Ellis") in view of Ofek. Applicants respectfully traverse this rejection. Applicants respectfully submit that the arguments presented above apply with equal force to this rejection. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Claim 30 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. in view of Patent No. 5,517,495 issued to Lund e al. ("Lund").. Applicants respectfully traverse this rejection. Applicants have amended claim 30 to recite that "said priority switch circuit is further configured to interrupt, at any time, transmission of said second data stream to resume transmission of said first data stream." Applicants respectfully submit that the proposed combination of Ellis and Ofek fails to disclose, at

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least, this feature. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejection to claim 30 and an indication of the allowability of same.

Claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al., and Lund et al. in view of Ofek. Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al and Ofek as applied to Claims 1, 9 above, and further in view of Patent No. 6,745,264 issued to Luke et al. ("Luke"). Applicants respectfully traverse these rejections. Applicants respectfully submit that claims 31 and 32 are allowable at least by virtue of depending from allowable base claims. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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